

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Regional Director, Region 7

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July 8, 2019

Ronald B. Lake, P.E.
Project Manager
City of Binghamton
38 Hawley Street
Binghamton, NY 13901

Re: BJCJSTP, SPDES No. NY 0024414
Third Modification Consent Order Case No. R7-20110628-59
Response to July 1, 2019 Letter Request to Modify Compliance Dates

Dear Mr. Lake:

This responds to your letter dated July 1, 2019, submitted on behalf of the owners and co-permittees of the Binghamton-Johnson City Joint Sewage Treatment Plant (BJCJSTP), in which you request a modification to the milestone due dates for Appendix A, Items 3j and 4d, of the referenced Order.

The Department has reviewed the information that was submitted along with the letter. To aid in our determination whether to grant the requested extensions, please provide the following information.

1. The Consent Order Compliance Table that was sent by Jerry Nystrom of Jacobs on June 11, 2019 and discussed on June 11, 2019 during last month's monthly progress meeting with NYSDEC staff, shows items such as 3j (retrofit of sludge thickeners) on track for completion by August 31, 2019. However, the Consent Order Compliance Table provided with the letter on Monday, July 1, 2019, just 20 calendar days later, delays compliance for that item until March 31, 2020. Similarly, the project schedule has significantly slipped in the last 20 days for Item 4d (substantial completion of anaerobic digesters) as well. On June 11, 2019, this item was tracking to be complete by June 15, 2019 for Digester #3 and August 31, 2019 for Digesters #1 and #2. However, on July 1, 2019, the anticipated completion date is now December 31, 2019. What has led to this abrupt change in schedule for the thickeners and digesters? Further documentation and justification are required to substantiate your request for the extension of dates for Items 3j and 4d.

Note that the Appendix A-1 Certification of Compliance or Non-Compliance forms that were also submitted with the July 1, 2019 letter appear to have Items 3j and 4d mixed up. The certification for Item 3j seems to pertain to the digesters while the certification for Item 4d gives information, albeit limited, on the sludge thickeners. These forms should be corrected and resubmitted to the Department.

2. The Department also questions some of the other dates listed on the revised Table submitted on July 1, 2019. For instance, Item 4e, which is operation of anaerobic



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digesters 1-3, can't possibly be completed by August 31, 2019 if the construction of Digesters 1 and 2 won't be complete until December 31, 2019.

3. Some of the milestone due dates required by the Schedule for Compliance have been omitted from the Consent Order Compliance Table. For instance, Item 3f lists Secondary Influent Pump Station (SIPS) commissioning as April 30, 2019. Note that Appendix A of the Consent Order requires that start-up of the SIPS be commenced by April 30, 2019 and construction of the SIPS be complete by June 30, 2019. Was this June 30 milestone date met? Why is it not listed in the table?
4. How does the request to extend milestone dates for Items 3j and 4d impact the BJCJSTP's ability to meet the Interim Effluent Permit Limits, Levels and Monitoring as required by Schedule B-2 of the Consent Order? Note that these interim limits become effective on September 1, 2019.
5. The Owners have committed to commencing operation of the majority of treatment units by August 31, 2019 and to operating the facility in compliance with the SPDES permit and meet final permit effluent limits by April 1, 2020. What means and methods are proposed to expedite the project schedule to meet these major milestone dates? For example, have your Contractors been given any directives to work additional hours to expedite the project schedule and mitigate further delays?

Please submit a written response to the above items within 30 days and be sure to copy all the individuals listed below on your response. The Department will decide whether to extend either of these milestone due dates following review of the additional information. Note that the Department reserves the right to take further enforcement action for failure to meet the Consent Order's milestone due dates, which violations are subject to penalties of up to \$37,500 per violation per day. For all compliance items listed in Appendix A, NYSDEC staff will be performing inspections to determine whether equipment items are functional.

Sincerely,



Matthew J. Marko, P.E.
Regional Director

Ec: Richard C. David, Mayor, City of Binghamton
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